

IN RE: PETITION FOR RESIDENTIAL VARIANCE* BEFORE THE
N/S Sweet Air Road, 180' E of
the c/l of Sunburst Road * ZONING COMMISSIONER
(4402 Sweet Air Road) * OF BALTIMORE COUNTY
10th Election District
6th Councilmanic District * Case No. 90-528-A
Steven M. Ward, et ux
Petitioners *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a front yard setback of 45 feet to the property line in lieu of the required 50 feet for a proposed garage and family room addition in accordance with Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 22-26 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 9th day of July, 1990 that the Petition for Residential Variance to permit a front yard setback of 45 feet to the property line in lieu of the required 50 feet for a proposed garage and family room addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) Petitioners shall not allow or cause the proposed garage addition to be converted to a second dwelling unit and/or apartments. The addition shall contain no kitchen or bathroom facilities.
- 3) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 7/10/90
By J. Robert Haines

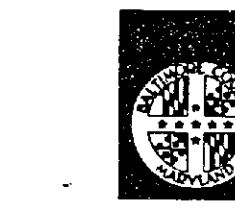
JRH:bjs

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Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

July 9, 1990



Dennis F. Rasmussen
County Executive

Mr. & Mrs. Steven M. Ward
4402 Sweet Air Road
Baldwin, Maryland 21013

RE: PETITION FOR ZONING VARIANCE
N/S Sweet Air Road, 180' E of the c/l of Sunburst Road
(4402 Sweet Air Road)
10th Election District - 6th Councilmanic District
Steven M. Ward, et ux - Petitioners
Case No. 90-528-A

Dear Mr. & Mrs. Ward:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Residential Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: People's Counsel

File

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently or upon settlement will reside at _____

4402 Sweet Air Road, Baldwin, Maryland 21013
(Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (indicate hardship or practical difficulty)

See Attached Pages

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

Steven M. Ward
AFFIANT (Handwritten Signature)

Steven M. Ward
AFFIANT (Printed Name)

Lana S. Ward
AFFIANT (Handwritten Signature)

Lana S. Ward
AFFIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 22nd day of May, 1990, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Steven M. Ward and Lana S. Ward

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

DATE 5/22/90

Shelly J. Hipley
NOTARY PUBLIC
My Commission Expires: 7/1/90

PETITION FOR ZONING VARIANCE

Our home is a relatively small colonial, less than 1600 square feet, in an area where the average house is well in excess of 2000 square feet. When we purchased our house, it was classified as a "handyman special," sorely in need of renovation and updating. As such, the house represented the only affordable means for us to remain in the area after we were married. We purchased the house with the expectation of, over time, bringing it up to the standards of surrounding homes. At the time of purchase, we knew that a critical part of the improvement would be a garage and family room. We made inquiry to several friends in the construction industry regarding any zoning restrictions that might prohibit the construction, and were told uniformly, that the proposed addition would not be a problem. We were unaware at that time however, that eighty-five feet of "our" front yard had been dedicated to the State Roads Commission for possible future construction of the "outer beltway." In hindsight we should have studied a site plan or the subdivision plat prior to purchase. Arguably, the title insurance agent should have pointed out the misleading property boundary. Nonetheless, since our house is located more than 130 feet from the existing street, we had no reason to suspect that the front setback would present a problem for our addition plans.

As previously noted, our home is small in comparison to those in the surrounding area, and if today's market is any indication, the trend is toward even larger homes. It is not

90-528-A

uncommon to encounter subdivision restrictions requiring homes to be in excess of 3000 square feet. These are the houses which control the market in the Jacksonville area. While we have no intention of creating a house of that size, the present size of our home and lack of a family room and garage severely impact our home's marketability in this area. There is a very small market for starter homes in the Jacksonville community.

Steve's occupation is as a home improvement contractor. Aside from the tools required by the trade, an essential requirement is a place to store them. Although many of the tools required are carried in the truck, without a garage, the tools cannot be secured at night. Further, it is often necessary to obtain materials in advance of the scheduled date for a particular project. At present, we have no method of securing the materials or sheltering them from the weather.

Our current plans endeavor to add both the attached garage and family room back to back, so that there is access to both from the existing house. If the garage was moved back so that it is even with the front of the house, we would not be able to access the family room except through the garage. If the family room was located behind the house, access could be obtained from the kitchen. However, the concrete basement stairs and existing septic and drywell prevent construction behind the house. Moreover, it would require us to totally remodel the existing kitchen and remove a large section of the rear exterior wall of the house.

90-528-A

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY

90-528-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section

1A04.3.5.5 (202.2) To allow a front yard setback of 45 feet to the property line in lieu of the required 50 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reason: (indicate hardship or practical difficulty)

See Attached Pages

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/we do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Attorney's telephone number

Legal Owner(s):

Steven M. Ward

(Type or Print Name)

Signature

Lana S. Ward

(Type or Print Name)

Signature

4402 Sweet Air Road 592-3624 (Home)

Baldwin, Maryland 21013

City/State/Zip Code

Name, address and phone number of legal owner, contract purchaser or representative to be contacted.

Lana S. Ward

4402 Sweet Air Road

Baldwin, Maryland 625-3761 (Work)

Address

ORDERED by the Zoning Commissioner of Baltimore County, this 22 day of May, 1990, that the subject matter of this petition be posted on the property on or before the 13 day of June, 1990.

J. Robert Haines
ZONING COMMISSIONER OF BALTIMORE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be reposted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 100, County Office Building in Towson, Baltimore County, on the _____ day of _____, 19____, at _____ o'clock, _____.

ZONING COMMISSIONER OF BALTIMORE COUNTY

John S. S.

We would be content to add the family room and garage side by side in order to comply with the front setback requirement. However, since our home is centered on a relatively small lot, such an arrangement would require a virtual waiver of all side setback requirements. Our present plans propose only a minor variance from the front setback restrictions and accomplish our objective without disturbing existing construction and septic.

You should also note that we have received the written consent of every owner in our subdivision to our proposed addition.

For the above reasons, we sincerely believe that the application of the zoning restrictions in this case creates practical difficulty and undue hardship for us and constitutes an unnecessary burden upon our use of the property.

9700V

90-528-A

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ZONING DESCRIPTION

90-528-A

Beginning at a point on the north side of Sweet Air Road which is 107 feet wide at the distance of 180 feet east of the center line of the nearest improved intersecting street, Sunburst Road, which is 60 feet wide. Being Lot #2, Block B, Section #1, in the subdivision of Sweet Air Manor as recorded in Baltimore County Plat Book #27, Folio 107, containing .92 acres, more or less. Also known as 4402 Sweet Air Road and located in the 10th Election District.

9496V

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 10th Date of Posting: 4/29/90
Posted for: Variance
Petitioner: Steven M. Ward
Location of property: N. Sweet Air Rd., 180' E. Sunburst Rd.
Location of Sign: Facing Sweet Air Rd., across 28' E. M. Way
Remarks: On property of P.B. Haines
Posted by: [Signature] Date of return: 4/27/90
Number of Signs: 1



Baltimore County
Zoning Commissioner
County Office Building
111 West Chaucer Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

receipt
No 2563

Date

DATE	DESCRIPTION	QTY	PRICE
	PUBLIC HEARING FEES		
	VARIANCE (100%)	1	\$25.00
	POSTING (100%)	1	\$25.00
	LAST NAME OF OWNER: WARD		
	TOTAL:		\$50.00

8 135*****6000: a 5235F
Please make checks payable to: Baltimore County

Cashier Validation:

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

May 29, 1990



Dennis F. Rasmussen
County Executive

Mr. & Mrs. Steven M. Ward
4402 Sweet Air Road
Baldwin, Maryland 21013

Re: CASE NUMBER: 90-528-A
ITEM NUMBER: 414
LOCATION: 4402 Sweet Air Road

Dear Petitioner:

Please be advised that your Petition for Residential Zoning Variance has been assigned the above case number. Any contact made to this office should reference the case number.

Your property will be posted on or before June 13, 1990. After the closing date (June 28, 1990) for filing a request for hearing has passed, the file will be taken to the Zoning Commissioner for review. You will next receive from this office:

1) Notice that a formal request for hearing has been filed, taking the matter out of the administrative process. This will mean advertising of the public hearing and reposting of the property. The public hearing will be scheduled approximately 30 - 45 days from receipt of said notice.

OR

2) Notice that the matter has completed the administrative process and that you may return the sign/post and pick-up your Order.

Very truly yours,

[Signature]
G. G. Stephens
(301) 887-3391

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

June 18, 1990



Dennis F. Rasmussen
County Executive

Mr. & Mrs. Steven M. Ward
4402 Sweet Air Road
Baldwin, MD 21013

RE: Item No. 414, Case No. 90-528-A
Petitioner: Steven M. Ward, et ux
Petition for Residential Variance

Dear Mr. & Mrs. Ward:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

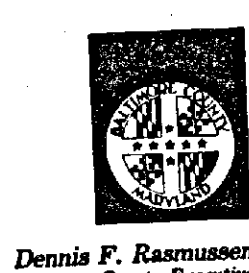
Very truly yours,

[Signature]
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner



Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this
22nd day of May, 1990.

[Signature]
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

[Signature]
Chairman,
Zoning Plans Advisory Committee

Petitioner: Steven M. Ward, et ux
Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines DATE: May 31, 1990
Zoning Commissioner
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: Steven M. Ward, et ux, Item No. 414

The Petitioners request a Variance to front yard setback requirements.

In reference to the Petitioners' request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

June 6, 1990



Dennis F. Rasmussen
County Executive

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 355, 395, 408, 409, 410, 411, 412, 413, 414, 416, 417, 418, and 421.

Very truly yours,

[Signature]
Michael S. Flanigan
Traffic Engineer Associate II

MSF/lvw

RECEIVED
JUN 13 1990

ZONING OFFICE

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5500
(301) 887-4500
Paul H. Reinecke
Chief

JUNE 4, 1990



Dennis F. Rasmussen
County Executive

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: STEVEN M. WARD
Location: 4402 SWEET AIR ROAD
Item No.: 414 Zoning Agenda: JUNE 12, 1990

Gentlemen:

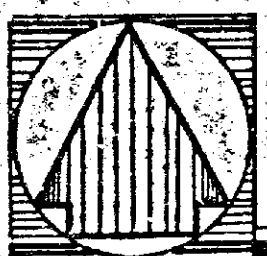
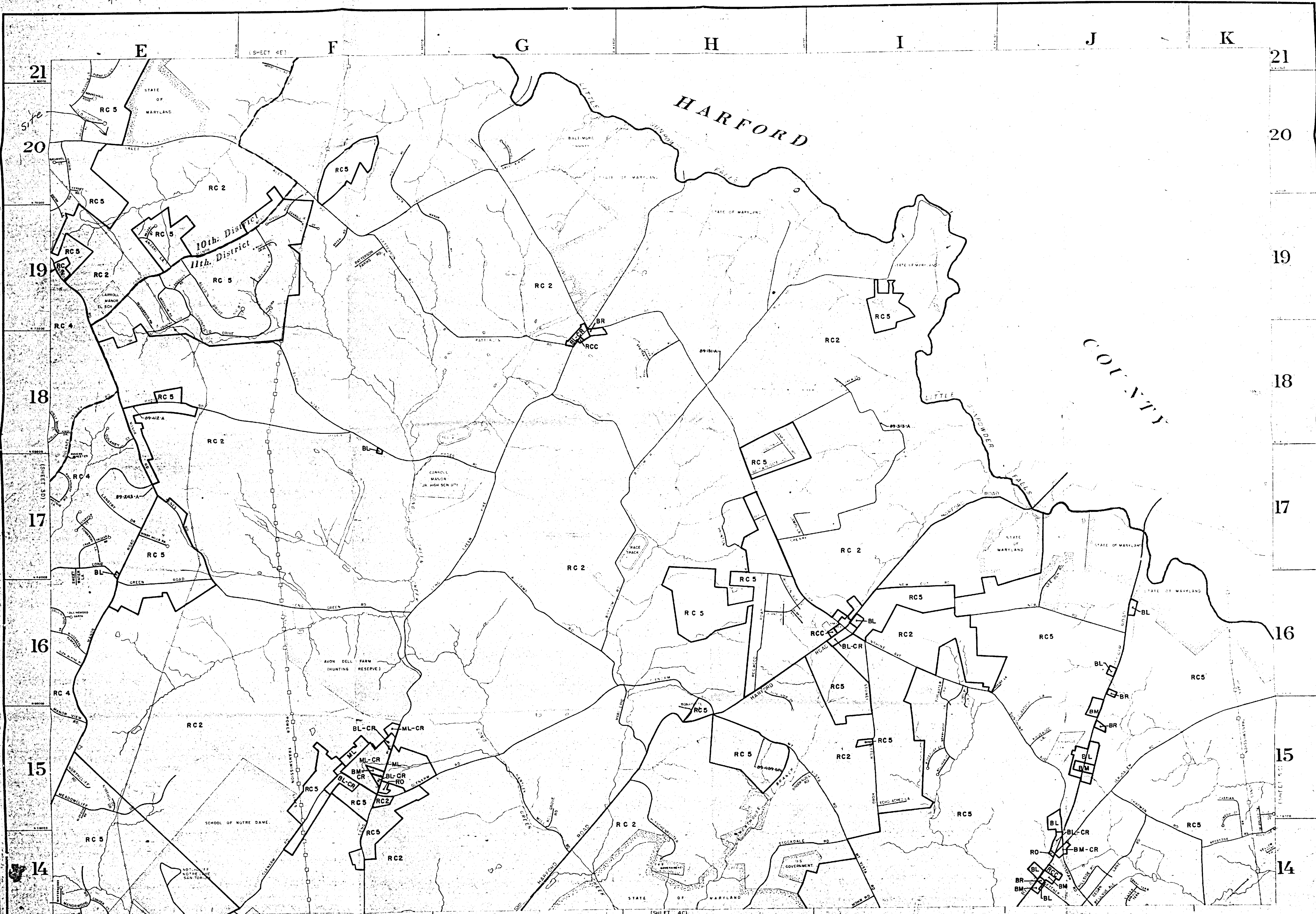
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy. CHAPTER 22

REVIEWER: [Signature] Noted and Approved: [Signature]
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

414 90-528-A



0 1000 2000 3000 4000 5000 FEET

BALTIMORE COUNTY OFFICE
OF PLANNING AND ZONING

1988 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
on 12-13-1988

KINGSVILLE

BALTIMORE COUNTY BASE MAP SERIES

REVISION DATE
APRIL 85
FEB 86
MAY 86
FEB 87
FEB 88

4D

